

REMARKS

Applicant expresses appreciation to the Examiner for consideration of the subject patent application. This amendment is in response to the Office Action mailed October 18, 2006.

Claims 1 and 41 were rejected.

Claims 1 and 41 have been amended herein. Claims 19-40 and 65-68 have been canceled. Claims 2-18 and 42-64 have been reinstated from withdrawn condition, and are indicated in the listing of claims as “previously presented.” No claims have been added herein.

Claim Rejections – 35 U.S.C. § 112:

Claims 1 and 41 were rejected under 35 USC § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, it was indicated that “the plurality of emitters” lacked antecedent basis.

Claims 1 and 41 have been amended to state “plurality of apertures” instead of “emitters.”

Double Patenting

Claims 1 and 41 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 12 of US Patent No. 6,925,187. A terminal disclaimer was attached to Applicant’s response received by the Office on May 15, 2006. Applicant submits a copy of the terminal disclaimer stamped by the OIPE on May 15, 2006. If Applicant has not addressed the Examiner’s concerns regarding this issue, the Examiner is invited to telephone the undersigned so that Applicant’s representative can remedy the issue.

Withdrawn Claims

Claims 2-18 and 42-64 were previously withdrawn. As generic claims 1 and 41 are now in condition for allowance, Applicant respectfully reinstates claims 2-18 and 42-64 as being dependent from an allowable generic claim.

CONCLUSION

In light of the above, Applicant respectfully submits that pending claims 1-18 and 41-64 are now in condition for allowance. Therefore, Applicant requests that the rejections and objections be withdrawn, and that the claims be allowed and passed to issue.

If any impediment to the allowance of these claims remains after entry of this Amendment, the Examiner is strongly encouraged to call Jason R. Jones at (801) 566-6633 so that such matters may be resolved as expeditiously as possible.

No claims were added. Check No. 28096, in the amount of \$510.00, is enclosed pursuant to 37 C.F.R. § 1.17(a)(1), for a three month extension of time.

The Commissioner is hereby authorized to charge any additional fee or to credit any overpayment in connection with this Amendment to Deposit Account No. 20-0100.

DATED this 18th day of April, 2007.

Respectfully submitted,


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